

Meeting Date: 09/13/2011

Agenda Item 36
Development Service Memorandum No.11 - 323

REQUESTED COMMISSION ACTION:

☐ Consent ☒ Ordinance ☐ Resolution ☐ Consideration ☐ Workshop

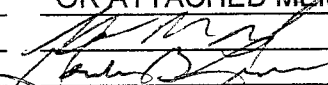
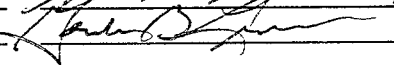
SHORT TITLE OR MOTION: AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING
SECTION 155.139, "LIGHTING REQUIREMENTS FOR MARINE TURTLE
PROTECTION," TO REFERENCE THE APPROPRIATE STATE AGENCY AND TO
PROVIDE EXEMPTIONS FROM REQUIREMENTS; PROVIDING FOR SEVERABILITY;
PROVIDING AN EFFECTIVE DATE.

Summary of Purpose and Why:

This amendment was prepared by the City Attorney's office to provide a mechanism for ocean front properties or properties that have ocean front visibility the ability to provide an alternative lighting program that is acceptable by the State Fish and Wildlife Conversation Commission(FWC) to meet the intent of code section 155.139, Lighting Requirements for Marine Turtle Protection. The ordinance also specifically states several types of bulbs that can be used for lighting in the affected areas. These lighting types are from the FWC documents entitled "FWC Approved Sea Turtle Lighting". Attached to the P&Z is report is a copy of the FWC approval sheet with these types of lighting sources and fixtures listed.

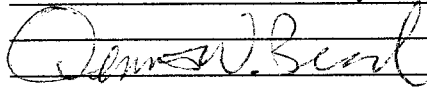
QUESTIONS TO BE ANSWERED BY ORIGINATING DEPARTMENT:

(1) Origin of request for this action: Development Services Department
(2) Primary staff contact: Vicky Newson / Robin M. Bird Ext. 7783
(3) Expiration of contract, if applicable: N/A
(4) Fiscal impact and source of funding: N/A

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE OR ATTACHED MEMO NUMBER
Dev. Ser. Dept.	07/01/2011	Memo # 11-273	
City Attorney	06/29/2011	Memo #2011-1548	

☒ Advisory Board
☐ Development Services Director
☒ City Manager

P&Z recommendation July 28, 2011 #11-36



ACTION TAKEN BY COMMISSION:

Ordinance	Resolution	Consideration	Workshop
1 st Reading	1st Reading	Results:	Results:
2 nd Reading			

ORDINANCE NO. 2011-_____

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.139, "LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION," TO REFERENCE THE APPROPRIATE STATE AGENCY AND TO PROVIDE EXEMPTIONS FROM REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Florida Statutes, Section 166.041(3)(c)2, advertisement in accordance with said statute have been published in a newspaper of general paid circulation in the City of Pompano Beach and of general interest and readership in the community, notifying the public of two public hearings on this proposed Ordinance; and

WHEREAS, two public hearings have been held pursuant to said published hearings and all persons so desiring had the opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 155.139, "Lighting Requirements for Marine Turtle Protection," is hereby amended to read:

§ 155.139 LIGHTING REQUIREMENTS FOR MARINE TURTLE PROTECTION.

...

(F) (1) The provisions contained in this section shall not apply where the Florida ~~Department of Environmental Protection~~ Fish and Wildlife Conservation Commission or other state department with the appropriate authority has approved alternative lighting standards which are in conflict with the provisions contained in this section. Such approval shall be in writing,

detailing the standards which were approved, and recorded with the City of Pompano Beach Zoning Division.

(2) Artificial light sources visible from the beach which are generated by lamps, bulbs and other lighting sources approved for use by the Florida Fish and Wildlife Conservation Commission shall not constitute a violation of this section. Said lighting includes, but is not limited to:

(a) Low Pressure Sodium (LPS) lamps of up to 35 watts;

(b) Red, orange or amber Light Emitting Diodes (LED) consisting of true red, orange or amber diodes and not filters;

(c) True red neon lamps;

(d) Long wave lighting sources that produce light that measures greater than 560 nanometers on a spectroscope.

SECTION 2. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

MEB/jrm
6/29/11
L:ord/155/2011-326

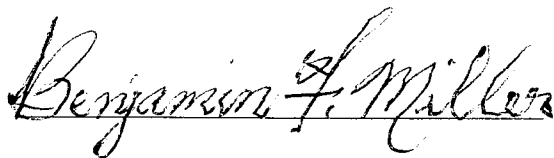
PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY

MEMORANDUM #11-36

DATE: July 28, 2011
TO: City Commission
FROM: Planning and Zoning Board/Local Planning Agency
SUBJECT: CODE AMENDMENT - SECTION 155.139
Lighting Requirements for Marine Turtle Protection

At the meeting of the Planning and Zoning Board/Local Planning Agency held on July 27, 2011, the Board considered the provisions of Department of Development Services Memorandum #11-273, proposing an amendment to Section 155.139 of Chapter 155 of the Code of Ordinances relating to lighting requirements for marine turtle protection.

It is the recommendation of the Board that this proposed Code amendment be approved as set forth by Staff.



BENJAMIN F. MILLER
Vice Chairman
Planning and Zoning Board/Local Planning Agency

lrh



DEPARTMENT OF DEVELOPMENT SERVICES
CITY OF POMPANO BEACH
100 West Atlantic Boulevard – Room 316
Pompano Beach, FL 33060

ADMINISTRATIVE MEMORANDUM NO. 11 – 273

DATE: July 1, 2011
TO: Planning and Zoning Board
VIA: Robin M. Bird, Development Services Director *RB*
FROM: Vicky L. Newson, AICP, Principal Planner *VLN*
SUBJECT: Code of Ordinances amendment Chapter 155.139, Lighting Requirements for Marine Turtle Protection

Attached is a copy of an amendment to section 155.139, Lighting Requirements for Marine Turtle Protection. This amendment is revising the reference to the State Agency, Fish and Wildlife Conservation Commission, that has the authority to approve alternative lighting standards that are different then the standards contained within this code section. The ordinance also establishes certain types of lighting that can be used to meet those requirements.

The second attachment is a copy of the guidelines for sea turtle lighting that the Fish and Wildlife Conservation Commission publishes with examples of the lighting that can be used for the properties on the ocean.



FWC APPROVED SEA TURTLE LIGHTING

All exterior lighting for the entire project area including structural and landscape lighting must be reviewed and approved by FWC regardless of whether or not the area is seaward of the CCCL.

ACCEPTABLE FIXTURES

All exterior fixtures on the seaward and the shore perpendicular sides of the building (and on the landward side of the building if they are visible from the beach) should be well shielded, full cut-off, downward directed type fixtures. All exterior fixtures on the landward side of the building should be downward directed only.

ACCEPTABLE LAMPS / BULBS AND OTHER LIGHT SOURCES

Long wave length lights, e.g. those that produce light that measures greater than 560 nanometers on a spectroscopic, are necessary for all construction visible from and adjacent to marine turtle nesting beaches. Bright white light, such as metal halide, halogen, fluorescent, mercury vapor and incandescent lamps will not be approved. Filters are unreliable and not allowed. Limited use of shorter wavelength lights may be approved in areas where direct and indirect light or glow could not possibly be visible from the beach upon approval by FWC.

ACCEPTABLE LAMPS

- Low Pressure Sodium (LPS) 18w, 35w
- Red, orange or amber LED (true red, orange or amber diodes, NOT filters)
- True red neon
- Other lighting sources that produce light of 560 nm or longer

***** FWC approved lighting may be found at http://myfive.com/WILDIFEHABITATS/seaturtle_index.htm *****

STATEMENT ABOUT POOL LIGHTS ON LIGHTING PLAN

The plan shall reflect that the interior swimming pool and pool deck lights shall be turned off while the pool is closed during sea turtle nesting season (May 1 through October 31 in all counties except Brevard, Indian River, St. Lucie, Martin, Palm Beach and Broward counties where leatherback turtle nesting occurs during the period of March 1 through October 31). The use of an automatic timer is acceptable. This may be specified in the notes section on the drawing and should be included in the FDEP Permit Conditions. If the interior pool lights cannot be turned off at night because the pool deck is used at night, then interior pool lights shall be amber or red LED lamps.

STATEMENT ABOUT TURTLE GLASS ON LIGHTING PLAN

The plan shall reflect that tinted glass or film with a visible light transmittance value of forty-five (45) percent or less shall be applied to all windows and doors within line of sight of the beach. This includes the seaward and shore-perpendicular sides of the structure. This may be specified in the notes section on the Lighting Plan architectural drawing and should be included in the FDEP Permit Conditions.

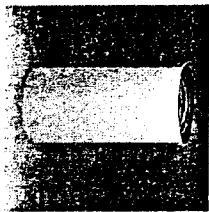
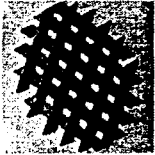
TIMERS

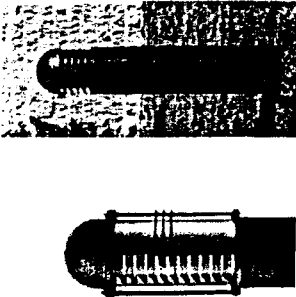
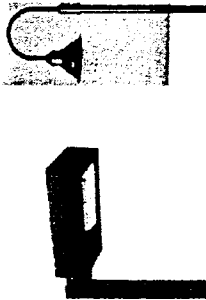
Timers may be used only for in-pool and pool deck lights when the pool is closed.

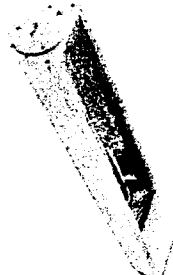
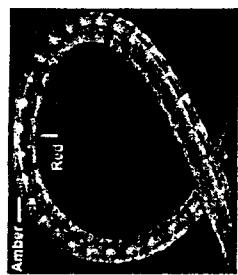
THE FOLLOWING ARE NOT ALLOWED

- Private balcony lights
- Pond lights
- Tree strap downlights
- Dune walkover lighting
- Fountain lights on beach or shore perpendicular side of structure
- Decorative lighting, not necessary for human safety or security

EXAMPLES OF TURTLE FRIENDLY FIXTURES

FIXTURE	LAMP & WATTAGE	MOUNTING TYPE & HEIGHT	LOCATION	COMMENTS and/or ADDITIONAL REQUIREMENT
Ceiling Mount Cylinder (with interior black baffles) 	Red/orange/amber LED	Ceiling Surface	if located on shore perpendicular or beach side of structure allow on <u>ground floor</u> only	Interior Black Baffles
Wall Mount Cylinder Down Light (with interior black baffles) 	Red/orange/amber LED	Wall Mount Downward Directed 8 ft from floor	If located on shore perpendicular or beach side of structure allow on <u>first habitable floor</u> only	Interior Black Baffles Hex cell louvers may be required to decrease wall wash
Recessed Ceiling Canister   	Red/orange/amber LED The following short wavelength lamps may only be used for covered driveway entry on <u>landward</u> side of structures • Halogen lamp • PAR spot lamps • LED lamps • HPS lamps • Comp Fluorescent	Recessed Ceiling	If located on shore perpendicular or beach side of structure allow on <u>ground floor</u> only	Interior black baffles Hex cell (honeycomb) louver

Recessed and Wall Mounted Step Lights (louwered or downward directed) 	Red/orange/amber LED	Wall Mount Maximum height 24 inches on Ground Floor only Above Ground Floor Max height 12 inches	Ground Floor and Second level, and pool Deck	If on perimeter of pool deck, must be mounted directed away from beach.
Bollard (with downward directed louvers) 	18w LPS Red/orange/amber LED	Maximum height 42 in	Parking areas, commercial walkway, landscape, pathway and pool Deck	180° to 270° beach side shields on any fixture on perimeter of pool deck or immediately adjacent to beach.
High Intensity Full Cut Off Pole Lights 	18-35 w LPS (if twin head, maximum of 36w total) Orange/amber LED	Pole - maximum height 12 feet	Parking Area Landward side of structure only.	Beach Side shields and/or louvers for any fixture within line of sight of beach.
Paver Lights 	Red/orange/amber LED	In Ground mount	Parking areas, driveways, pathways, pool decks	

Landscape/Pathway Lighting 	Red/orange/amber LED	Ground mount Maximum height 12 inches	Ground Level, landscape	
Signage 	Red/orange/amber LED	Must be mounted with light directed <u>down</u> on to sign. NOT UP	Sign should be on landward side of structure when possible and mounted perpendicular to the beach.	
Garage Lighting (Phoenix) 	35w LPS Amber/Orange LED	Garage Ceiling	Garage	If a parking garage is not fully enclosed with solid walls, without windows, louvers, or screens so that the interior is not visible from any section of beach, only LPS or amber/orange LED lamps shall be used. Additional shields may be necessary if parking is above ground level.
Channel / Rope Lighting 	Red/orange/amber LED <u>NOT</u> colored plastic tubing with <u>white</u> lights <u>No White LED</u>	Must be mounted recessed under steps, bar, etc. and directed down to assure that light source or reflected light is not visible from beach	Pool deck, steps, pool bars.	

Water Feature Lighting	Red/orange/amber LED	Light must be downward or horizontally directed <u>DO NOT</u> <u>direct light up</u>	Submerged lights are only allowed on landward side of structure and only if fully shielded from beach by structure	
Underwater Swimming Pool Lighting	Red/orange/amber LED			

Revised 5/5/09